

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Upon entry of this Amendment, claims 1-4, 6-14, and 20-21 will be pending in the present application. Claim 21 has been newly added, and claims 5 and 15-19 have been cancelled.

Attached hereto is a marked-up version of the changes made to the claims. The attached pages are entitled "Version With Markings to Show Changes Made."

Claims 4, 8 and 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 18-19 have been cancelled thereby rendering this rejection moot. As to claims 4, 8, and 20, applicant respectfully submits that the above amendment to these claims correct the deficiency noted by the Examiner. Accordingly, applicant respectfully requests that the above rejection of claims 4, 8 and 18-20 be withdrawn.

Claims 1-3, 5-7, 9-12, and 15-17 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,016,838 to Wigmore ("the '838 patent"). Claims 5 and 15-17 have been cancelled thereby rendering this rejection moot. As to claims 1-3, 6-7 and 9-12, applicant respectfully traverses this rejection for the reasons presented below.

Independent claim 1 has been amended above to recite that the pressure support system includes a first housing member and a second housing member, each having a plurality of cavities that cooperate with one another to define a first chamber, a second chamber, and a first

conduit that connects the first chamber with the second chamber when the first and second housing members are assembled. In addition, claim 1 recites that a pressure generating element is disposed in the first chamber, and a valve is disposed in the second chamber. The pressure generating element generates a flow of breathing gas and the valve control a pressure or a flow of that gas. Applicant submits that the cited references do not teach or suggest a pressure support system having all of these features.

The '838 patent discloses a valve construction, where certain components of the valve, namely the valve, piston, and solenoid, are mounted in a valve chamber 6, piston chamber 24, and solenoid chamber 52, respectively. These chambers are defined by two body sections 2a and 2b. See Figs. 1 and 2 of the '838 patent. The '838 patent, however, does not teach or suggest providing a pressure generating element within a chamber defined by body sections 2a and 2b. Nor would it have been obvious to one of ordinary skill in the art to do so because this would require increasing the size of the valve construction to accommodate the pressure generating element. Such a change is directly contrary to the teaching of the '838 patent which seeks to optimize the compactness of the valve construction. See, e.g., column 3, lines 4-15, of the '838 patent. Furthermore, there is simply no teaching or suggestion in the cited references of the desirability of providing the pressure generating element along with the valve in the chambers defined by a first and second housing member.

For the reasons presented above, applicant respectfully submits that amended independent claim 1 is not anticipated or rendered obvious by the cited references. In addition, claims 2, 3, 6-7, and 9-12 are also not anticipated or rendered obvious due to their dependency

KUEHN. -- Appln. No.: 09/432,192

from claim 1. Accordingly, applicant respectfully requests that the above rejection of claims 1-3, 5-7, 9-12, and 15-17 be withdrawn.

As noted above, claim 21 has been newly added. Claim 21 corresponds to claim 13 rewritten in independent form. As the Examiner has not cited any references against claim 13 and has made any other rejections against this claim, applicant respectfully submits that claim 13, now rewritten as independent claim 21, is allowable.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (412) 473-5026

Fax No.: (412) 473-5021

RESPIRONICS INC.
1501 Ardmore Boulevard
Pittsburgh, PA 15221-4401
1-800-638-8208

Attached: 1) Marked-up version of the title, abstract specification, and claims entitled, "Version With Markings to Show Changes Made."



VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 5 and 15-19 has been cancelled.

Claims 1, 3, 4, 6, 7, 8, and 20 have been amended as follows:

1. (Amended) A pressure support system comprising:

a first housing member having a first plurality of cavities defined therein;

a second housing member having a second plurality of cavities defined therein,

wherein the first and the second plurality of cavities cooperate to define (a) a first chamber adapted to receive a first component of the pressure support system, (b) a second chamber adapted to receive a second component of the pressure support system, and (c) a first conduit operatively connecting the first ~~component~~ chamber and the second chamber in fluid communication responsive to the first and second housing members being in an assembled relation; and

a pressure generating element disposed in the first chamber and adapted to generate a flow of breathing gas;

a valve disposed in the second chamber and adapted to control a pressure or a flow of breathing gas output from the pressure generating system; and

a fastening system that secures the first and second housing members in the assembled relation to secure the pressure generating system and the valve within the first and second chambers respectively.

3. (Amended) A pressure support system according to claim 1, wherein the first and second plurality of cavities cooperate to further define (a) an external coupling and (b) a second conduit operatively connecting ~~one of the first component and the second component~~ pressure generating element or the valve fluid in fluid communication with the external coupling responsive to the first and second housing members being in the assembled relation.

4. (Amended) A pressure support system according to claim 3, further comprising a patient circuit coupled to the external coupling, wherein the patient circuit is and adapted to communicate thea flow of breathing gas created by from one of the pressure generating element ~~first and the second component of the pressure support system~~ to an airway of a patient.

6. (Amended) A pressure support apparatus according to claim ~~5~~1, wherein during normal operation of the pressure support system, the valve ~~chamber~~ is downstream of the pressure ~~generator~~generating element.

7. (Amended) A pressure support system according to claim 51, wherein at least one of the first and the second housing members includes a port defined therein for venting gas discharged by ~~a pressure control~~the valve from the valve chamber.

8. (Amended) A pressure support system according to claim 1, wherein the first and second plurality of cavities ~~further cooperate to define a flow element~~third chamber and a second conduit operatively connecting the third chamber to the first chamber or the second chamber, and wherein the pressure support system further comprises: as the first chamber adapted to receive
_____ a flow element therein as the first component disposed in the third chamber, and wherein at least one of the first housing member and the second housing member include
_____ a pair of flow measurement ports defined through the first housing member or the second housing member disposed on opposite sides of the flow elementelement to enable a pressure differential between the pressure on each side of the flow element to be measured for communicating gas from the conduit to a sensor in a gas flow measurement system.

20. A pressure support system according to claim 1, further comprising a pressure pick-off port defined in one of the first housing member and the second housing member so as to communicate an interior of the first chamber, the second chamber, or the first conduit with a pressure sensor.